

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JILL CARUSO, :

Plaintiff,

Case No. 3:11-cv-167

-vs-

Magistrate Judge Michael R. Merz

L & S REALTY, INC., et al., :

Defendants.

ORDER STRIKING PORTION OF SUMMARY JUDGMENT MOTION

This case is before the Court on Defendants' Motion for Summary Judgment Due to Lack of Standing (Doc. No. 22). The first three sentences of the Memorandum in Support read:

The Plaintiff in this action is a serial (or "drive-by) ADA plaintiff. According to ECF/Pacer records, she currently has filed numerous ADA cases in Federal Court in Ohio. The Complaints in her cases are mostly boilerplate, and most have been filed by Owen Dunn, her counsel herein.

(Doc. No. 22, PageID 116.) The factual assertions in these sentences are completely unsupported by reference to any evidence. Which records in which cases in which courts?

Accordingly, pursuant to Fed. R. Civ. P. 56(e)(4), these three sentences are stricken from the Memorandum.

September 13, 2012.

s/ *Michael R. Merz*
United States Magistrate Judge